



ENTERED
01/20/2011

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

**IN RE:
JOHN H. HAMILTON, SR.**

**CASE NO.
10-35770**

DEBTOR

CHAPTER 7

**BANK OF AMERICA, N.A. as successor
to Wells Fargo, N.A. as Trustee for the
registered holders of Wachovia Bank
Commercial Mortgage Trust, Commercial
Mortgage Pass-Through Certificates, Series
2006-C23**

ADVERSARY NO. 11-03020

PLAINTIFF

VS.

JOHN H. HAMILTON, SR.

DEFENDANT

COMPREHENSIVE SCHEDULING, PRETRIAL, AND TRIAL ORDER

1. THIS ORDER SHALL BE SERVED BY THE PLAINTIFF WITH THE SUMMONS.
2. This adversary was filed on JANUARY 14, 2011 (the "Filing Date").
3. The plaintiff shall file no later than 90 days after the Filing Date a status report which contains this information:
 - a. When service of the summons and complaint was accomplished;
 - b. Whether an answer has been served on the counsel; and
 - c. If an answer has been served, the name, address and telephone number of defendant's counsel.
4. If no answer has been received, a motion for default judgment must be filed simultaneously with the filing of the status report.

5. All discovery shall be completed no later than 150 days after the Filing Date.
6. All dispositive motions shall be filed no later than 180 days after the Filing Date.
7. All responses to dispositive motions shall be filed no later than 210 days after the Filing Date.
8. A joint pretrial statement shall be filed no later than 240 days after the Filing Date. All counsel shall be responsible for the actual filing of the jointly prepared document. If a joint pretrial statement is not obtainable, each party is required to file a separate pretrial statement.
9. A pretrial conference shall be held on September 22, 2011 at 9:00 a.m., at the Bob Casey Courthouse, 515 Rusk Street, 6th Floor, Courtroom 600, Houston Texas before Judge Jeff Bohm. Counsel who have major responsibility for the case must attend the pretrial conference, and these counsel must have authority to bind their respective clients. If motions for summary judgment have been filed, then oral arguments will be heard at this pretrial conference. Counsel must exchange trial exhibits at least 72 hours before the pretrial conference. Further, counsel must provide the Court a complete set of exhibits at least 72 hours before the pretrial conference by delivering the exhibits to chambers.
10. Trial will be held during the week of September 26, 2011.
11. ANY CHANGES IN THIS SCHEDULE WILL ONLY BE MADE BY FURTHER ORDER OF THIS COURT. MOTIONS TO EXTEND THESE DEADLINES WILL BE GRANTED ONLY FOR GOOD CAUSE BEYOND THE CONTROL OF THE LAWYERS OR PARTIES IN VERY LIMITED CIRCUMSTANCES.
12. FAILURE TO COMPLY WITH ANY OF THE REQUIREMENTS OF THIS ORDER MAY RESULT IN SANCTIONS BEING IMPOSED ON COUNSEL, THE PARTIES, OR BOTH, WHICH MAY INCLUDE DISMISSAL OF THIS ADVERSARY PROCEEDING OR ENTRY OF JUDGMENT FOR THE OPPOSING PARTY.

DATED: January 20, 2011



JEFF BOHM
UNITED STATES BANKRUPTCY JUDGE

(revised 01/05/2010)

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

IN RE:	§	CASE NO.
	§	
DEBTOR	§	
	§	
PLAINTIFF(S)	§	
	§	ADV. NO.
v.	§	
	§	
DEFENDANT(S)		

**STANDARD
JOINT PRETRIAL STATEMENT**

Counsel shall prepare and file a Joint Pretrial Statement setting forth the matters discussed below. Plaintiff is responsible for filing the jointly prepared pretrial statement at least 72 hours prior to the scheduled pretrial conference, or if no pretrial conference is scheduled, then at least 72 hours before the scheduled trial. All counsel are instructed to cooperate in the preparation of the joint pretrial statement.

The Joint Pretrial Statement shall contain the following:

**I.
STATEMENT OF THE ADVERSARY PROCEEDING**

A concise statement of the case for the convenience of the Court.

**II.
JURISDICTION**

Indicate here any jurisdictional questions; state if core or noncore. If noncore, the parties must all state whether they consent to entry of final orders of judgment by the Bankruptcy Judge.

**III.
MOTIONS**

List all pending motions.

**IV.
CONTENTIONS OF THE PARTIES**

State concisely in separate paragraphs what each party claims.

**V.
ADMISSIONS OF FACT**

List all facts which have been stipulated and admitted and require no proof.

**VI
CONTESTED ISSUES OF FACT**

List all factual issues in controversy necessary to the final disposition of this proceeding.

**VII.
AGREED APPLICABLE PROPOSITIONS OF LAW**

Legal propositions not in dispute.

**VIII.
CONTESTED ISSUES OF LAW**

State briefly the issues of law in dispute. Memoranda of authorities on each or all issues shall be filed by litigants no later than 72 hours prior to the pretrial conference.

**IX.
EXHIBITS**

An Exhibit List numbering and briefly describing all exhibits to be offered in evidence or referred to in trial shall be attached to the Joint Pretrial Statement. All exhibits must be marked by the parties for identification prior to trial, designating such exhibits by the name of the offering party followed by an exhibit number. (For example "Plaintiff's Exhibit 1"). ALL EXHIBITS OFFERED

AT TRIAL WILL BE ADMITTED INTO EVIDENCE BY AGREEMENT OF COUNSEL except those exhibits specifically disputed in the Joint Pretrial Statement.

Counsel for all parties are ordered to confer at their earliest convenience for the purpose of arriving at all possible stipulations and for the exchange of documents which will be offered in evidence at the trial. This requirement shall not apply to rebuttal exhibits which cannot be anticipated. Counsel for each party must exchange all exhibits with one another at least 72 hours prior to the pretrial conference. Failure to do so will be grounds for this Court to deny admission of any or all exhibits of the party whose counsel has failed to timely provide exhibits to opposing counsel.

All counsel are strongly urged to use technology in the courtroom (i.e. bringing a disk so that exhibits may be shown on screens in the courtroom). However, regardless of whether counsel plans to use technology in the courtroom, counsel must deliver one set of exhibits to chambers at least 72 hours prior to the pretrial conference. The one set of exhibits delivered to chambers must be in a 3 ring notebook, with each exhibit tabbed and marked. An exhibit list must be included in the notebook. All exhibits must be legible.

X. WITNESSES

Each party should list the names and addresses of all witnesses expected to be called during trial with a brief statement of what facts are expected to be proved by each witness. Counsel are expected to stipulate to the qualifications of experts. Any inability to so stipulate must be set forth in the Pretrial Statement and specifically brought to the Court's attention at the pretrial conference.

The proponent of a witness must state the amount of courtroom time needed for direct examination.

XI. SETTLEMENT

Report here the prospects of settlement. Do not set forth the details of any settlement offer or offers. Simply report what the chances are of the parties reaching a settlement.

XII. ESTIMATED TRIAL TIME

A statement as to the estimated time to try the proceeding.

**XIII.
ATTACHMENTS**

Include the following REQUIRED attachments FOR EACH PARTY:

- a. Proposed findings of fact and conclusions of law, with supporting authorities in a memorandum of law;
- b. Exhibit Lists (2 copies);
- c. Objections to Exhibits (2 copies); and
- d. Witness Lists (2 copies).

By our signatures below, each of us understands that failure to adhere to the Court's requirements relating to the Joint Pretrial Statement may result in sanctions being imposed.

Counsel for Plaintiff
Address
Telephone number
Fax number
email address

Counsel for Defendant
Address
Telephone number
Fax number
email address

(revised 12/06)